REMARKS

By this amendment claims 1-5, 7, 9, 10, 12-16, 18, 19, 22, 23, 25-30, 32, 34, 35, 39, 42-47, 51-54, 58, 59, 62 and 63, are variously amended and together with non-amended claims 6, 8, 11, 17, 20, 21, 24, 31, 33, 36-38, 40-41, 48-50, 55-57, 60, 61, 64 and 65 and new claims 66-85 are submitted for consideration in view of the remarks following.

Applicant notes with appreciation the allowance of claims 22 and 44-46, and the indication of allowance of claims 3, 6-10, 14, 16-18, 24, 25, 27-32, 34-38, 40, 43, 50, 52-57, 59-62, 64 and 65 if rewritten in independent form to include the limitations of the base claim and any intervening claims. It is noted that applicant has amended various of the objected (i.e., allowable) claims to further clarify the claimed technical subject matter.

Applicant is withholding the re-writing of the claims objected to by the Examiner pending the possible allowance of the base claims, herein variously amended, upon which the objected claims depend.

In the Office Action the Examiner rejected claims 1, 2, 4, 5, 11-13, 15, 19-21, 23, 26, 33, 39, 41, 42, 47-49, 51, 58 and 63 under 35 USC 102(b) as unpatentable over Wrobleski et al. (US 6,516,132).

Applicant respectfully submits that the prior art reference to Wrobleski et al. (hereinafter Wrobleski) fails to anticipate the claimed invention, particularly as set forth in the rejected and new claims, as well as in the allowable claims. To illustrate:

[Claim 1]

Wrobleski fails to disclose or suggest a primary feature of the claimed invention; namely, lowering of the level of a portion, or portions, of a part of a horizontal blanking interval in the manner taught by the present invention. Specifically, Fig. 1A and the associated description in

Col. 5, line 40, is defined as a standard NTSC television waveform. It follows that the horizontal sync (H sync) signal referenced by the Examiner as anticipatory is merely a normal H sync pulse with a normal level of 40 IRE units. Ergo, Fig. 1A fails to remotely suggest a lowering of a level of a selected portion (or portions) of an HBI to below the normal level. That is, fails to suggest a non-normal or non-standard level.

Likewise, Col. 2, lines 39-45 only concern the use of color burst and of a color stripe system. There is nothing in this passage that even hints at "lowering the level of a selected portion of the HBI to a value lower than the respective normal level."

Also, Figs. 1D and 2B, are vector displays of a standard color signal and, contrary to the Examiner's contentions, fail to have anything to do with an incorrect color burst. See for example Col. 5, lines 42-43 and 45-46, which describe Figs. 1D and 2B as unmodified NTSC or PAL signals.

Furthermore, Figs 3A to 3E show color burst envelopes in a portion of the horizontal blanking interval that occupies the standard location of a normal color burst. See Fig. 1A for a comparison of a normal color burst location with the similarly normal burst locations of Figs. 3A to 3E.

Thus, with regards to not only claim 1 but all the independent claims herein, it is readily apparent that Wrobleski fails to disclose or suggest (1) lowering the level of a selected portion, or portions, of an HBI, (2) inserting a color burst of incorrect phase in a second portion of the HBI and (3) providing a spatial arrangement of the lowered portion or portions with respect to the second portion such that an attenuation or darkening effect caused by a basic copy protection signal causes a recorder or television set to sense the lowered portion or portions and thence sample or sense the incorrectly phased color burst. See in particular amended claim 1. It is

readily apparent that Wrobleski fails to intend the application of a basic copy protection signal to cause an attenuation or darkening effect which in turn causes a recorder or TV set to sense the lowered portion or portions so as to sample or sense the incorrect color bursts.

[Claim 2]

As discussed with respect to claim 1, Wrobleski fails to disclose or suggest a lowered level in the HBI below the normal level, and or inserting an incorrectly phased color burst in a second (i.e., non-normal) portion of the HBI, whereby Wrobleski cannot suggest adding the incorrect color burst to at least a portion of the HBI and or of a back portion area (i.e., a non-normal area) so as to cause sampling or sensing of the incorrect color burst.

[Claim 4]

Wrobleski fails to disclose or suggest a lowered portion or portions as discussed above, and further fail to suggest a pseudo sync pulse of any kind since Wrobleski shows only a normal or standard video signal in the Fig. 1A referenced by the Examiner. Also, there is no incorrect color burst in the standard or normal waveform of Fig. 1A.

[Claim 5]

As discussed relative to claim 4, Wrobleski in Fig. 4B and Col. 7, lines 40-61, only discloses an incorrect color burst extended into a normal H sync pulse. There is no lowered portion or portions in Fig. 4B and Wrobleski does not even suggest a pseudo sync pulse of any kind. Furthermore, Col. 14, lines 25-27 only discloses a normal pseudo sync/AGC pulse pair in a normal location after an H sync pulse. Ergo, Wrobleski does not suggest using the active video as an AGC pulse.

[Claim 11]

Claim 11 is dependent upon claims 1 and 2. Since the latter claims are not anticipated by Wrobleski for the reasons given above, the line selector feature of claim 11 in combination with the features of claims 1 and 2 also is believed to not be anticipated.

[Claims 12, 13]

The Examiner mistakenly concludes that Fig. 1A of Wrobleski shows blanking level to range from 100 to –40 IRE. To the contrary, the range shown in the Fig. 1A actually is the range of video voltage for a standard video signal. Also, as discussed above, Wrobleski does not even suggest a lowered portion or portions. Further, Fig. 1A shows that the blanking level is a single value (not dynamically varied), namely is zero (0) IRE.

[Claims 15, 19]

The arguments presented with regards to the lack of anticipation of claim 1 also are applied by applicant to the claims 15 and 19. With regards to the additional comments/rejections made by the Examiner with regards to claims 15, 19 the passage in Col. 12, lines 35-45 in Wrobleski does not describe the lowering a portion of an HBI. Instead, the passage discloses modifying an H sync width and or position, wherein the H sync pulse is narrowed or widened in duration or is moved in position, not in amplitude level as specified in the claims 15, 19. It follows that the modifications of the sync pulses are made in the time domain, not in an amplitude or voltage level domain as in the claimed invention.

In addition, the passage in Col. 12, lines 6-19 does not disclose or suggest adding a color burst of incorrect phase or frequency to the H sync pulse following the lowered portion or portions. As discussed above, Wrobleski fails to even suggest a "lowered portion" (below a normal level).

Likewise, Wrobleski fails to suggest causing a recorder or television set to sense the lowered portion or portions or to cause the sampling or sensing of the incorrect color burst in response to an early scan.

[Claims 20, 21]

The arguments presented above with respect to claim 5 apply equally with regards to claims 20 and 21. For example, Wrobleski fails to remotely suggest using the beginning of active video as the AGC pulse of a pseudo sync/AGC pulse pair. In fact, Wrobleski fails to suggest any kind of pseudo sync pulses much less the pseudo sync pulses such as claimed in the present claims; namely, post pseudo sync pulses.

[Claim 23]

The Examiner references Fig. 13 and Col. 14, lines 35-65 as apparatus for lowering the selected portion or portions of the HBI to below a normal level. However, none of the blocks (circuits) of Fig. 13A or B are intended to lower the voltage level of a portion or portions of the HBI below a normal level. For example, amplifier 12 of Fig. 13B sets the level of the video signal to a normal level (Col. 14, lines 36-38).

The passage in Col. 14, lines 35-65 describes a color stripe apparatus that inserts a modified color burst envelope signal in a programmed selected set of video lines, wherein the modified color stripe signal may include a widened envelope, an advanced burst envelope and or an extended burst envelope for selected video lines. There is no suggestion of a lowered portion or portions nor of any co-function between the incorrect color burst and a lowered portion or portions.

In addition, as discussed with respect to claims 1, 15, 19, Wrobleski fails to remotely suggest a positional relationship of a further portion and a selected portion or portions such that

an attenuation or darkening effect caused by a basic copy protection signal causes a recorder or television set to sense the lowered portion or portions so as to cause sampling or sensing the incorrect color burst.

[Claim 26]

Claim 26 is dependent on claim 23 which requires a portion or portions of the HBI to be lowered to below normal level. In addition, claim 26 also recites the presence of a pre sync color burst gate signal. Neither Fig. 13B nor Col. 14, lines 48-52 disclose a pre sync signal. Col. 14 instead discusses a widened burst gate and a normal burst gate signal.

[Claim 33]

Claim 33 is dependent on claim 23 which requires that a portion or portions of the HBI be lowered to below normal level. The features of claim 33 in combination with the features of claim 23 thus are not suggested in Wrobleski.

[Claims 39, 41, 42]

Wrobleski fails to disclose or suggest the adding of an incorrect color burst signal to an HBI before the H sync and or after the (normal) color burst interval. Claim 39 recites inter alia that the incorrect color burst is added to the HBI prior to (before) the horizontal sync. Claim 40 is one of the allowable claims and recites further details of the claim 39 recitation of an incorrect color burst in the front porch area prior to the H sync.

Claim 39 also recites that the incorrect color burst may be added to the HBI after the (normal) color burst interval. Wrobleski fails to disclose or suggest adding an incorrect color burst after (that is, separate from) the color burst interval. See for example, Fig. 4B of the present application, which shows the incorrect color burst PSTICB 50 added to the HBI after the normal color burst interval (not numbered in Fig. 4B but numbered 40 in Fig. 4A). Claim 42

then recites further details of the feature of an incorrect color burst added within the back porch area following a selected space from the color burst interval. Wrobleski fails to suggest any of the features of claims 39, 41 or 42.

[Claims 47, 48, 49]

Claim 47 recites inter alia lowering the level of a selected portion of the back porch area. The Examiner contends that claim 47 is rejected for the reasons given in rejecting claim 15. As argued by applicant with respect to claim 15, Wrobleski fails to remotely suggest the lowering of any portion or portions of the HBI, or back porch area, to a level below the normal level. Since there is no lowered portion disclosed in Wrobleski there cannot be a disclosure of an incorrect color burst located after (claim 48) or located before (claim 49) the lowered back porch area. Please refer to the arguments presented above with respect to claim 15, and claim 1 as well.

In addition, claim 47 further recites providing an attenuation or darkening effect in the video signal to cause a recorder or television set to sense the lowered back porch portion thereby sampling or sensing the incorrect color burst in response to the lowered back porch portion. Wrobleski does not remotely suggest these features.

[Claims 51, 58, 63]

The Examiner rejected claims 51 and 58 for the same reasons as given with respect to claims 1 and 23, respectively. Accordingly, the arguments presented by applicant in claims 1 and 23 apply equally here.

Likewise, claim 63 depends from claim 58, wherein claim 58 requires means for lowering the level of at least a selected portion of the HBI to below the normal level. As argued fully above, Wrobleski fails to disclose or even suggest a lowered level in the HBI, in the front or back porch, etc.

With regards to the new claims 66-85, claims 66-71 depend from previous claims 1, 44, 51 and 58 and recite further characteristics of the respective previous claims. As fully discussed above, applicant respectfully submits that claims 1, 44, 51 and 58 are allowable over Wrobleski and it follows that new claims 66-71 depending therefrom recite further characterizations of the base claims and also are deemed allowable.

New claims 72-85 are directed to a selected feature or features of the previous claims 1-65 and are equally allowable over Wrobleski for the same reasons. For example, claim 72 includes lowering a portion or portions of the HBI and or the end of a video line, and also includes sensing the lowered portion or portions by a recorder or TV set due to the attenuation or darkening effect of a basic copy protection signal, thereby causing a sampling or sensing of the incorrect color burst.

New claim76 includes adding or inserting a negative going pulse around the beginning of an active video line whereby a recorder or TV set responds as discussed above regarding claim 72.

New claims 78, 82 and 85 include features generally similar to new claims 72 and 76 but reciting different pulses, lowered portion or portions, etc. New claim 81 includes the features of suppressing selected sync pulses, replacing a portion or portions just outside the HBI with a signal of predetermined level and adding an incorrect color burst to a sync pulse or back porch interval, to increase color distortion.

Accordingly, applicant respectfully submits that Wrobleski fails to anticipate the new claims 66-85.

Accordingly, in view of the amendments to the claims and the arguments presented above, applicant respectfully submits that the claims 1-85 are in condition for allowance, which action is earnestly solicited.

If the Examiner finds differences which could be resolved by telephone interview, applicant can be reached by phone at (408) 562-8600 and by facsimile at (408) 743-8610.

Please charge any required fees to Deposit Account No. 13-0762.

Respectfully submitted,

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